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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nevenka Dimitrova

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HOSSAIN, FARZANA E

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/014,258

Applicant(s)

DIMITROVA ET AL.

Examiner

Farzana E. Hossain

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-20 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-20 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/31/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 11/27/2007 Claims 1, 6, 15, 20, 28 and 30-32 are previously presented. Claims 2-5, 9-14, 16-19, 23-27, 29 are original. Claims 7, 8, 21 and 22 are cancelled.

Response to Arguments

2. Applicant's arguments filed 11/27/2007 have been fully considered but they are not persuasive.

Regarding Claims 1, 15, 28, the applicant argues that Huber does not disclose "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" (Page 14). The applicant argues that although several paragraphs are cited for the feature, Huber does not meet this limitation (Page 14). The applicant argues that Huber's system includes a broadcaster acting on behalf of seller to prepare the content and not on behalf of the consumer.

In response to the applicant, the applicant's claimed invention and the applicant's arguments are not the same. The applicant is arguing elements found in the applicant's specification. Huber discloses performing a search to identify data related to the

selected product including at least one source including a supplier retailer, dealer, manufacturer or advertiser not associated with the broadcaster (Page 1, paragraphs 0008, 0009, Page 2, paragraphs 0012, 0013, 0015, Pages 3-4, paragraphs 0020, 0032, 0035). Huber discloses that the user receives broadcast signals containing advertising messages from a television station, cable operator, Internet service provider or other broadcast source. Huber discloses that a user can select hotspots for information about the advertising messages detailing a dealer, vendor, manufacturer or retailer (above listed paragraphs) and that a user can have preference information to specify the suppliers (Page 2, paragraph 0019). Huber discloses an invention to match products to customer preference information so that customer responds to the advertisement (Pages 3-4, paragraph 0032). Therefore, whether a broadcast facility prepares the content or not, the user can have preference information for dealers, vendors, retailers, manufacturers or suppliers which is not associated with the source of the video or television station, cable operator, Internet service provider or other broadcast source. The retailers, vendors, manufacturers and suppliers are not associated with the broadcast facility as they provide the merchandise or information about the merchandise. The applicant argues that they have support for a source not associated with a source of the video program by pointing to the background information and that data casting systems that prepare content for advertisers. The applicant merely has support for websites and external sources.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Huber et al (US 2002/0120935 and hereafter referred to as "Huber").

Regarding Claims 1 and 15, Huber discloses a method of and a system for performing a transaction using a video device, the method comprising the steps of and the system comprising: a set top box (STB) for acquiring a video signal containing a video program (Page 1, paragraph 0011); the STB including a memory or storage (Page 1, paragraph 0001, Page 3, paragraph 0020), a processor or a processing element as processing occurs to offer products to the users based on the user's preferences and history (Page 3, paragraph 0031) and an input/out means associated therewith for transferring the signal or input and output means of a set top box or personal computer which receives broadcast signals and responds to advertisements or products (Pages 1-2, paragraphs 0014), the processor capable of: extracting from the video signal video enhanced content information of at least one marked product present on the video

program (Page 3, paragraphs 0028-0031); presenting to the user the video enhanced content information (Page 3, paragraphs 0031, Page 2, paragraphs 0012, 0013); receiving a selection of a marked product of interest (Page 2, paragraphs 0015, 0016); performing a search to identify data related to the selected product including at least one source not associated with a source of the video program or a retailer, dealer, manufacturer or advertiser not associated with the broadcaster (Page 1, paragraphs 0008, 0009, Page 2, paragraphs 0012, 0013, 0015, Page 3, paragraph 0020, Page 4, paragraph 0035); and providing the data that has been identified to a user of the video device (Page 1, paragraphs 0008, 0009, Page 2, paragraphs 0012, 0015); a video device operatively coupled with the STB for displaying the video program, video enhanced content information and identified data to the user (Pages 1-2, paragraphs 0011); and a input device operatively associated with the STB for controlling the STB (Page 2, paragraph 0015).

Regarding Claims 2 and 16, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses the video signal includes metadata or data about the data including seller information or information about the product (Pages 1-2, paragraphs 0011, 0013).

Regarding Claims 3 and 17, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses the processor is further capable of purchasing the selected product (Page 2, paragraphs 0029).

Regarding Claims 4 and 18, Huber discloses disclose all limitations of Claims 1 and 15 respectively. Huber discloses filtering the video enhanced content information

based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031).

Regarding Claims 5 and 19, Huber discloses disclose all limitations of Claims 4 and 18 respectively. Huber discloses that the user's preferences include values and life style of the user (Page 2-3, paragraphs 0019, 0031).

Regarding Claims 9 and 23, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses searching sources from at least one predetermined list for a particular category (Page 2, paragraphs 0012-0013).

Regarding Claims 10 and 24, Huber discloses all limitations of Claims 1 and 15 respectively. Huber disclose a source for the video signal, the video signal source being selected from a group consisting of a broadcasting system, a service provider and a set top box (Pages 1-2, paragraph 0011).

Regarding Claims 12, Huber discloses all limitations of Claim 1. Huber discloses receiving and analyzing transaction related information from the user or purchase history (Page 3, paragraph 0031).

Regarding Claims 13 and 26, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses periodically monitoring the content information and triggering an action based on user's preferences (Page 3, paragraphs 0031).

5. Claim 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Tavor et al (US 6,553,347 and hereafter referred to as "Tavor").

Regarding Claims 6 and 20, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses the identified data includes a source of the product of interest (Page 2, paragraphs 0012-0013). Huber is silent on the step of negotiation with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source and outputting the results of the negotiation. Tavor discloses negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify Huber to include negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

6. Claims 11, 14, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Shoff et al (US 2005/0015815 and hereafter referred to as "Shoff").

Regarding Claims 11 and 25, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses selectable regions (Page 2, paragraphs 0012-0014).

Huber is silent on video signal is separate into a plurality of frames, each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step. In analogous art, Shoff discloses video signal is separate into a plurality of frames (Page 6, paragraph 0067, Page 7, Table 1, Page 8, Table 2), each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step (Page 6, paragraph 0067, Figures 8a, 8b, 8c, Page 7, Table 1, Page 8, Table 2). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify Huber to include video signal is separate into a plurality of frames (Page 6, paragraph 0067, Page 7, Table 1, Page 8, Table 2), each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step (Page 6, paragraph 0067, Figures 8a, 8b, 8c, Page 7, Table 1, Page 8, Table 2) as taught by Shoff in order to synchronizes the supplemental content to the program (Page 6, paragraph 0067) as disclosed by Shoff.

Regarding Claims 14 and 27, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses making personalized products best reflecting the customer's preferences (Page 3, paragraphs 0031). Huber does not explicitly disclose a catalog. In analogous art, Shoff disclose presenting merchandise in a merchandise catalog or in reference to the customer choosing to view merchandise (Page 6, paragraph 0076, Page 7, paragraph 0080). Therefore, it would have been obvious to

one of ordinary skill art at the time the invention was made to modify Huber to include video signal is separate into a plurality of frames (Page 6, paragraph 0067, Page 7, Table 1, Page 8, Table 2), each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step (Page 6, paragraph 0067, Figures 8a, 8b, 8c, Page 7, Table 1, Page 8, Table 2) as taught by Shoff in order to control the presentation of the merchandise with the program (Page 1, paragraph 0013, Page 2, paragraph 0020) as disclosed by Shoff.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Tavor.

Regarding Claim 28, Huber discloses a method of performing a transaction using a video device, the method comprising the steps of: acquiring a video signal containing a video program (Figures 1, 2, 3); customizing preferences for at least one user (Page 2, paragraphs 0012, 0015, 0016); extracting from the video signal video enhanced content information representative of at least one product presented on the video program (Page 3, paragraphs 0028-0031); filtering the video enhanced content information based on the preferences (Page 3, paragraphs 0028-0031, Pages 1-2, paragraphs 0007-0011); presenting to the user the filtered video enhanced content information (Page 2, paragraph 0015); receiving a selection of a product of interest (Pages 1-2, paragraph 0011); performing a search to identify a source of the selected product though at least one predetermined list of information sources for a particular

category including at least one source not associated with a source of the video program or retailer, dealer, manufacturer, advertisers who are not associated with the broadcaster (Page 2, paragraphs 0012-0013, Page 4, paragraph 0035); allowing the user to authorize purchasing of the selected product or user is selecting to purchase the product (Pages 3, paragraphs 0028-0031), providing feedback information to the user or performing a check to determine if at least one version of product exists using preference information (Page 2, paragraphs 0016, 0018 Page 3, paragraphs 0028); completing a purchase transaction for the selected product (Page 3, paragraphs 0029). Huber discloses making purchases (Figures 1-3).

Huber is silent on negotiation with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; allowing the user to authorize purchasing of the selected product; and receiving and analyzing satisfaction response from the user. Tavor discloses in the negotiation with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 4, lines 20-40, Column 6, lines 28-34, 51-60); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45).

Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify Huber to include negotiation with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 4, lines 20-40); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Tavor as applied to claim 28 above, and further in view of Kitsukawa et al (US 2002/0059590 and hereafter referred to as "Kitsukawa").

Regarding Claim 29, Huber and Tavor disclose all limitations of Claim 28. Huber and Tavor are silent on storing the video signal in a storage device. In analogous art, Kitsukawa discloses storing the video signal in a storage device or the video is recorded (Pages 3-4, paragraph 0036). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include storing the video signal in a storage device or the video is recorded (Pages 3-4, paragraph

0036) as taught by Kitsukawa in order to allow the user to watch a program at a later time (well known in the art) to be able to make purchases from the products advertised in the program (Page 6, paragraphs 0058, 0060) as disclosed by Kitsukawa that had not been watched when broadcasted.

9. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Rebane (US 2003/0130983).

Regarding Claims 30 and 31, Huber discloses all limitations of Claims 1 and 15 respectively. Huber discloses that a product is determined to check if available in different versions or product varieties (page 2, paragraph 0016). Huber is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huber to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Tavor as applied to claim 28 above, and further in view of Rebane.

Regarding Claim 32, Huber discloses all limitations of Claim 28. Huber discloses that a product is determined to check if available in different versions or product varieties (page 2, paragraph 0016). Huber is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
February 7, 2008


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